

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

Curtis E. Davis, et al.,

V.

Larry Austin, et al.,

REPORT OF PARTIES' PLANNING MEETING
CASE NUMBER 1:16-2755

Guideline for parties and attorneys:

The parties are advised to use the *Worksheet for Report of Parties Planning Meeting* (Form USDC/ATTY-004 located on the Court's website at www.wvsd.uscourts.gov) and the suggested guidelines contained in the form's comments.

1. Pursuant to Fed.R.Civ.P. 26(f), a meeting was held on May 17, 2016. Those participating were:

<u>Harold B. Wolfe, III</u>	for plaintiff(s)	
<u>William S. Winfrey, II</u>	for defendant(s)	<u>Helen Ryan and Ellen Friend</u>
<u>Robert E. Holroyd</u>	for defendant(s)	<u>Larry Austin and Raymond Austin</u>
<u>Kyle Bishop</u>	for defendant(s)	<u>US Treas., Dept of IRS</u>

2. Pre-Discovery Disclosures. The parties will exchange by August 1, 2016 the information required by Fed.R.Civ.P. 26(a)(1).

3. Plaintiff(s) should be allowed until July 1, 2016 to join additional parties and until July 1, 2016 to amend the pleadings. Defendant(s) should be allowed until August 1, 2016 to join additional parties and until August 1, 2016 to amend the pleadings.

4. Discovery Plan. The parties jointly propose to the court the following discovery plan:
[Use separate paragraphs or subparagraphs as necessary if parties disagree.]

Discovery will be needed on the following subjects:

Status of Federal Tax liens, balances, credits, and final amounts

Disclosure of electronically stored information should be handled as follows:

None known to Plaintiff or Defendants. Any electronically stored information relating to payments or credits on liens would be subject to discovery and disclosure.

The parties have agreed to an order regarding claims of privilege or of protection as trial-preparation material asserted after production, as follows:

None

This action ☐ is ☐ is not ☐ suitable for designation as a complex case requiring special case management procedures and additional pretrial conferences. If the parties and attorneys believe that the case is complex, the basis for that belief is:

The last date to serve discovery requests is October 1, 2016. The last date on which to take a discovery deposition is 45 days after the last date to serve discovery requests. The last date on which to take a discovery deposition is known as the “discovery completion date.” [Discovery on November 14, 2016 to be completed by November 14, 2016.]

The parties ☐ do ☐ adopt the discovery limits set forth in the Federal Rules of Civil Procedure. If the parties and attorneys believe that more discovery is needed, the basis for that belief is:

Reports from retained experts under Rule 26(a)(2) due:

By the party with the burden of proof on an issue: September 1, 2016;

By the party not bearing the burden of proof on an issue: September 15, 2016; and
Expert witness disclosures intended solely to contradict or rebut evidence on the same issue
identified by another party: October 1, 2016.

5. Magistrate judges will resolve discovery disputes. The parties do consent to have a United States magistrate judge conduct any and all further proceedings in the case, including trial, and order the entry of a final judgment.
6. Mediation shall take place on or before December 1, 2016.
7. Potential dispositive motions shall be filed by December 15, 2016, with responses and replies filed according to the Local Rules.
8. The parties request a pretrial conference in January 2017.
The plaintiff(s) shall submit a proposed pretrial order to defendant(s) on or before January 13, 2017.
The defendant(s) shall compile a proposed integrated pretrial order and submit it to chambers of the presiding judicial officer on or before January 27, 2017.
9. Where applicable, proposed jury instruction shall be exchanged and transmitted to chambers of the presiding judicial officer in Microsoft Word format on or before February 1, 2017.
10. Where applicable, proposed findings of fact and conclusions of law shall be exchanged and transmitted to chambers of the presiding judicial officer in Microsoft Word format on or before N/A.
11. A final settlement conference will take place on February 17, 2017.

12. The case should be ready for trial by February 2017, and at this time is expected to take approximately 3 days.

The parties do not request a conference with the court before entry of the scheduling order.

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